



Senate

General Assembly

File No. 377

February Session, 2014

Substitute Senate Bill No. 273

Senate, April 7, 2014

The Committee on Government Administration and Elections reported through SEN. MUSTO of the 22nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING THE NONDISCLOSURE OF THE
RESIDENTIAL ADDRESS OF SWORN MEMBERS OF A LAW
ENFORCEMENT UNIT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 1-217 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2014*):

4 (a) No public agency may disclose, under the Freedom of
5 Information Act, from its personnel, medical or similar files, the
6 residential address of any of the following persons employed by such
7 public agency:

8 (1) A federal court judge, federal court magistrate, judge of the
9 Superior Court, Appellate Court or Supreme Court of the state, or
10 family support magistrate;

11 (2) A sworn member of [a municipal police department, a sworn
12 member of] the Division of State Police within the Department of

13 Emergency Services and Public Protection, a sworn member of a law
 14 enforcement unit, as defined in section 7-294a, who has obtained
 15 certification, as defined in section 7-294a, from the Police Officer
 16 Standards and Training Council or a sworn law enforcement officer
 17 within the Department of Energy and Environmental Protection;

18 (3) An employee of the Department of Correction;

19 (4) An attorney-at-law who represents or has represented the state
 20 in a criminal prosecution;

21 (5) An attorney-at-law who is or has been employed by the Division
 22 of Public Defender Services or a social worker who is employed by the
 23 Division of Public Defender Services;

24 (6) An inspector employed by the Division of Criminal Justice;

25 (7) A firefighter;

26 (8) An employee of the Department of Children and Families;

27 (9) A member or employee of the Board of Pardons and Paroles;

28 (10) An employee of the judicial branch;

29 (11) An employee of the Department of Mental Health and
 30 Addiction Services who provides direct care to patients; or

31 (12) A member or employee of the Commission on Human Rights
 32 and Opportunities.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2014	1-217(a)

GAE *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which exempts the residential address of certain individuals from disclosure under the state's freedom of information statutes, has no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 273*****AN ACT CONCERNING THE NONDISCLOSURE OF THE RESIDENTIAL ADDRESS OF SWORN MEMBERS OF A LAW ENFORCEMENT UNIT.*****SUMMARY:**

This bill expands the list of people whose residential addresses (contained in an agency's personnel, medical, or similar files) are exempt from disclosure by state and local government agencies under the Freedom of Information Act (FOIA).

Current law exempts, among others, sworn state and local police officers and sworn Department of Energy and Environmental Protection (DEEP) law enforcement officers. The bill extends the exemption to any sworn member of a law enforcement unit, as defined in existing law, who is certified by the Police Officer Standards and Training Council (POST). The bill thereby exempts from disclosure, the residential addresses of sworn members of a Mashantucket or Mohegan tribal agency, organ, or department created and governed under the state-tribal memorandum (see BACKGROUND) whose primary functions include enforcing criminal or traffic laws; preserving public order; protecting lives and property; or preventing, detecting, or investigating crime.

The bill also appears to extend the exemption to certain special policemen, for example, those employed by the Department of Emergency Services and Public Protection (DESPP) to investigate public assistance fraud (see BACKGROUND).

EFFECTIVE DATE: July 1, 2014

LAW ENFORCEMENT UNIT

The bill extends the residential address exemption to sworn members of a law enforcement unit as defined in CGS § 7-294a, who are POST-certified. This law defines a “law enforcement unit” as an agency, organ, or department (including the Mashantucket Pequot and Mohegan police departments) whose primary functions include the enforcement of criminal or traffic laws or the prevention, detection, or investigation of crime. Based on this definition, it appears that the residential addresses of POST-certified special policemen are exempt from disclosure under the bill, provided their employing agency, organ, or department provides the primary law enforcement functions outlined in the statute (see BACKGROUND).

BACKGROUND

State-Tribal Memorandum

A 2013 law authorized the DESPP commissioner, upon the chief state's attorney's approval, to enter into separate memoranda of agreement with the Mohegans and Mashantucket Pequots to establish the authority of each tribe's police department and police officers to exercise law enforcement powers (PA 13-170).

Residential Addresses Exempt from Disclosure under FOIA

Under existing law, the residential addresses of the following local, state, and federal employees are exempt from disclosure by public agencies under FOIA:

1. federal and state judges, federal magistrates, and state or family support magistrates;
2. state and local police officers;
3. DEEP law enforcement officers;
4. Department of Correction employees;
5. past or present state prosecutors and public defenders;
6. social workers employed by the Division of Public Defender Services;

7. Division of Criminal Justice inspectors;
8. firefighters;
9. Department of Children and Families employees;
10. Board of Pardons and Paroles members and employee;
11. judicial branch employees;
12. Department of Mental Health and Addiction Services employees who provide direct care to patients; and
13. Commission on Human Rights and Opportunities members and employees.

Special Policemen

The law allows the DESPP commissioner to appoint people to act as special policemen and exercise police powers in certain situations. The law specifically requires some of these officials to be certified.

Following is a list of POST-certified special policemen and the state agency that employs them:

1. special policemen for state property are employed by the administrative authority of any state buildings or lands (CGS § 29-18);
2. special policemen for investigating public assistance fraud are employed by DESPP (CGS § 29-18a);
3. special policemen for Department of Revenue Services (DRS) are employed by DRS' special investigation section (CGS § 29-18b); and
4. special policemen for Department of Consumer Protection (DCP) are employed by DCP's security unit (CGS § 29-18c).

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 12 Nay 0 (03/19/2014)